

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 19-mj-1004
(SEALED)

Yanyan Lesser

Defendant

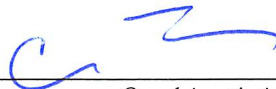
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between in or about February 14, 2019 and February 19, 2019, in the Western District of New York, the defendant did transmit in interstate or foreign commerce a communication containing a threat to injure the person of another, **in violation of Title 18, United States Code, Section 875(c).**

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

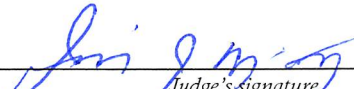
CHARLES S. TOLIAS
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title

Sworn to before me and signed in my presence.

Date: March 7, 2019

City and State: Buffalo, New York



Judge's signature

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **CHARLES S. TOLIAS**, having been first duly sworn, do hereby depose and state as follows:

1. I am employed as a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI), and have been employed in that capacity since December 2008. I am currently assigned to HSI, Buffalo, New York. Before that time, I was employed as a Customs and Border Protection Enforcement Officer for approximately six years. As a Special Agent, I am a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses in violation of the United States Code.

2. I am currently assigned to the investigation of a crime of violence perpetrated by Yanyan LESSER.

3. This affidavit is submitted in support of an application for a criminal complaint charging LESSER with Interstate communication of threats in violation of 18 U.S.C. § 875(c). As described below, I have probable cause to believe that LESSER did knowingly transmit in

interstate commerce using the internet, communications containing threats to injure the person of another.

4. The statements in this affidavit are based on my investigation of this matter, information provided by other law enforcement agencies, my review of banking information, and from my review of information found on LESSER's iPhone. Because this affidavit is being submitted for the limited purpose of obtaining a criminal complaint and corresponding arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that LESSER has committed violations of 18 U.S.C. § 875(c) (Interstate communication of threats).

Facts Supporting Probable Cause

5. On February 19, 2019, HSI St. Paul, Minnesota, received information that between February 14, 2019, and February 19, 2019, an unidentified subject utilizing the moniker "TREE1" conspired with an unknown subject on a dark web site named Website #1 to commit a crippling assault of a subject (G.Z.) residing in Orlando, Florida.¹ "TREE1" directed what was believed to be a hitman found via Website #1 to break G.Z.'s bones and leave him permanently confined to a wheelchair or crutches.

1 The actual name of Website #1 is known to law enforcement. The site remains active and disclosure of the name of the site would potentially alert users to the fact that law enforcement action is being taken against the site, potentially provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, for purposes of the confidentiality and integrity of ongoing investigations, specific names and other identifying factors have been replaced with generic terms.

6. A sample of instructions provided by "TREE1" to the purported hitman from Website #1 are as follows:

Because of a business dispute, I would like to give this guy a lesson:give him a good beating and legs broken, waist broken and even cripple the mark of his legs.It need to be looks like a robbery, looks like To rob of his money or property,NOT looks like revenge.

Please give him a good beating and let he always walk in wheelchair. Looks like a robbery his money,NOT revenge!That's very important!

I will add \$2500 more to cover the cost of beating, crippling and robbery look like job. Please remember must be looks like a ROBBERY!That's very important!So that's better without his house and community,not into his house to do the job.and also beating with crippling of his legs ,no broken ribs because I won't make he die,Just make sure that his legs will be crippling. Make sure do the job 100% with beating,crippling and robbery looks like a job! After jobs down and I make sure everything was perfect,I will be pay full cost to you guys, If looks not like a robbery that I will won't be pay full price.To be Do the good job and wishing to hear good news soon!

And please let hitman knows that Chinese guy no speak English also no understanding English too.So when hitman to do the job with crippling and

looking like robbery,Remember to Yelled at that Chinese guy:"MONEY!MONEY!" Because that's only the English word that guy can understand it! That guy's wallet always leaves in his car,so just takes money from his wallet and also takes his sell phone go away then throw out to somewhere else.Remember must be make the job looks like ROBBERY! And also give him good beating of his body,and must be broken his legs to make him walk by Wheelchair or crutches forever.Also let hitman to know be careful and make sure after his job done that run away as faster as he can, Be safety!

7. On February 16, 2019, "TREE1" transferred approximately 1.26 Bitcoin (BTC) (approximately \$4,577.51 USD) to a BTC wallet address in the control of WEBSITE #1 to facilitate the assault. On February 19, 2019, "TREE1" conducted an additional transfer of approximately .694 BTC (approximately \$2,707.95 USD) to the same WEBSITE #1 wallet address to further the request. In addition to the BTC transfers, "TREE1" provided a photograph to WEBSITE #1 of an unknown individual's lower back area with the words "broken waist" written across it.

8. On February 20, 2019, HSI Orlando conducted an interview of G.Z. at his residence in Orlando, Florida. G.Z. stated that he was not aware of any threat against him, but stated that he believed that his ex-girlfriend, Yanyan CUI, residing in Buffalo, New York would be capable of doing something like this as she is unstable. G.Z. provided telephone number (716) 348-[redacted]for CUI. G.Z. stated that he terminated his relationship with CUI on February 10, 2019, and that he has not spoken to her since.

9. Law enforcement system checks show that CUI submitted a United States State Department K1 (fiancé) VISA Application in 2007. Paul Lesser was listed on the application. According to information provided to your affiant by Mr. Lesser, he and CUI married and have since divorced. It is your affiant's belief that CUI is currently utilizing her married name (LESSER).

10. On February 26, 2019, your affiant served a DHS Summons to Verizon Wireless for information associated to telephone number (716) 348-[redacted]. On March 4, 2019, Verizon Wireless provided the following subscriber information associated to the telephone number:

- a. Subscriber Name: Yanyan LESSER
- b. Subscriber Address: 401 N Star Road, East Aurora, New York
- c. Subscriber Status: Active
- d. Subscriber Effective Date: 12/29/2014

11. On February 22, 2019, LESSER crossed at the Peace Bridge Port of Entry located in Buffalo, New York. LESSER was the driver and sole occupant of a vehicle bearing a New York State license plate. LESSER stated to United States Customs and Border Protection (CBP) that she traveled to Chinatown located in Toronto, Ontario, Canada to eat and that she was in Canada for approximately forty minutes. LESSER further stated that she currently resides at 401 North Road, East Aurora, New York. LESSER said that

she enjoys Canada and that it is relaxing to her as she recently broke up with her boyfriend and that she is also going through a divorce with her husband. CBP noted that LESSER was in possession of an Apple iPhone at the time of her crossing.

12. HSI Buffalo Special Agent (SA) Tolias responded to the Peace Bridge port of entry to conduct a preview of LESSER's iPhone. LESSER stated that the iPhone in her possession belonged to her and that it was the only telephone that she owns. LESSER told SA Tolias and CBP that she would unlock her Apple iPhone, but that she would not provide her password. LESSER subsequently unlocked her iPhone.

13. A review of the home screen by SA Tolias revealed what appeared to be a TOR application as well as a VPN application. The TOR network is an anonymous network that can only be accessed with a special web browser, called the TOR browser. TOR stands for "The Onion Router," a reference to the many layers in an onion. This is the portion of the World Wide Web most widely known for illicit activities because of the anonymity associated with the TOR network. The vast majority of goods for sale on dark web Marketplaces consist of illegal drugs, of nearly every variety, openly advertised on the site and prominently visible. In addition to illegal drugs, dark web Marketplaces openly advertise child pornography, identity documents, firearms, hitman services, and other contraband or regulated products. Silk Road, Dream, Hansa, and AlphaBay are examples of dark web Marketplaces known to law enforcement that previously or currently market illicit goods and activities. WEBSITE #1 is only accessible utilizing TOR. Bitcoin is the most common and widely accepted form of payment for illicit activities on the dark web.

14. “VPN” means a virtual private network. A VPN extends a private network across public networks like the Internet. It enables a host computer to send and receive data across shared or public networks as if they were an integral part of a private network with all the functionality, security, and management policies of the private network. This is done by establishing a virtual point-to-point connection through the use of dedicated connections, encryption, or a combination of the two. The VPN connection across the Internet is technically a wide area network (WAN) link between the sites. From a user perspective, the extended network resources are accessed in the same way as resources available from a private network-hence the name “virtual private network.” The communication between two VPN endpoints is encrypted and usually cannot be intercepted by law enforcement.

15. SA Tolias also conducted a preview of photographs contained on LESSER’s iPhone and saw what appeared to be the image of the unknown individual’s lower back area with the words “broken waist” written across it (as previously detailed above in paragraph 7). SA Tolias noted that it appeared to be the same exact photograph of the unknown individual’s lower back area, but that the photograph did not have the words “broken waist” written across it.

16. LESSER’s iPhone screen subsequently locked shortly thereafter, and the contents on the phone were no longer viewable.

17. LESSER had several banking withdrawal receipts in her possession corresponding with the dates that “TREE1” conspired with the unknown subject on the dark

web site WEBSITE #1 to commit the crippling assault of G.Z. (between February 14, 2019, and February 19, 2019). The following receipts were found in LESSER's possession:

2/15/2019

Bank of America withdrawal in the amount of \$2600.00

2/16/2019

TD Bank withdrawal in the amount of \$100.00

2/18/2019

Bank of America withdrawal in the amount of \$400.00

2/18/2019

Bank of Akron transaction denied (too many wrong password attempts)

18. A review of chat correspondence between "TREE1" and the purported hitman from Website #1 revealed the following messages:

2/15/2019 Website #1 Admin:

Hi, Please google how to buy bitcoins and find the best site for you Local bitcoins is ok but you need to select a trader with a good exchange rate. Best regards Juan admin Website #1 cyberteam

2/15/2019 TREE1

Hi I just exchanging cash into btc with trader from btc site in person.how can I find a btc mixer that mixes all the incoming transactions to your site?

19. Based on your affiants training and experience, localbitcoins.com offers an individual a means to purchase BTC and other crypto currencies anonymously. One such way is to purchase BTC for cash via an in-person/face to face meeting. This method ensures that an individual's identity remains untraceable as there is no documentation of the transaction.

20. On March 5, 2019, a search and seizure warrant was issued in the Western District of New York by the Honorable H. Kenneth Schroeder authorizing the search of the iPhone in LESSER's possession on February 22, 2019. A review of the Subject Device by your affiant confirmed the TOR and VPN applications (as detailed in paragraph 13) were located on the device, as well as the image of the unknown individual's lower back area (as detailed in paragraph 15).

21. Your affiant also observed text message communications between the Subject Device and unidentified individuals discussing the purchase of BTC. The date of the communications, as well as the amount of BTC the Subject Device inquired about purchasing (0.694 BTC) coincide with when "TREE1" sent .694 BTC to the WEBSITE #1 wallet (as detailed in paragraph 7).

22. The following text message communications were observed by your affiant on the Subject Device:

February 17, 2019

Subject Device: Hey, I would like to get 0.694 Bitcoin today, do you interested to do that?

(802) 765-[redacted]: Hi! I can meet you in the evening in Sheepshead Bay. Is it ok?

Subject Device: What's your location? My zip code is 17701. Its kinds far

(802) 765-[redacted]: Pennsylvania?

Subject Device: Yes

(802) 765-[redacted]: Sorry, bro, I can meet you only in Brooklyn.

Subject Device: Can we do online? (subject sent weblink to localbitcoins.com)

(802) 765-[redacted]: No. Only cash in person

February 17, 2019

Subject Device: Hey, I would like to get 0.694 Bitcoin today, can we do that please?

(904) 290-[redacted]: I can't sell to NY residents

February 18, 2019

(239) 299-[redacted]: Do you need btc

Subject Device: Yes, about 0.694 bitcoin for today. Can you do it?

(239) 299-[redacted]: Yeah. How can you pay?

Subject Device: What's your location?

(239) 299-[redacted]: I'm in Utah I only accept online payments

Subject Device: But bank was closed for today. It's holiday

(239) 299-[redacted]: MoneyGram and Western Union isnt

February 17, 2019

(253) 282-[redacted]: Hey. You looking for more coins?

Subject Device: 0.694 for today

(253) 282-[redacted]: How would you pay?

Subject Device: To your bank or?

(253) 282-[redacted]: Banks are closed today

Subject Device: I am in PA right now. I can do online

(253) 282-[redacted]: What part of PA are you?

Subject Device: 17701 zip code

(253) 282-[redacted]: It's kinda far

Subject Device: Yes

(253) 282-[redacted]: We can do it early morning tomorrow. Banks will be opened

Subject Device: Sure. 0.694 Bitcoin

(253) 282-[redacted]: Ok...sounds like a plan..talk to you tomorrow

Subject Device: How much should I send to you tomorrow?

(253) 282-[redacted]: I'll let you know tomorrow. Price floats all the time

Subject Device: What about this. I transfer money to your bank account today, then you will get it tomorrow. When you get money in your account, you send Bitcoin to my wallet same address that yesterday I give to you.

February 18, 2019

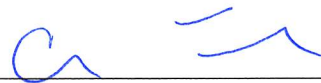
Subject Device: Hey shay, what time are you ready to do 0.694 bitcoin with me today?

(253) 282-[redacted]: Banks are closed today

THE APPLICATION FOR AN ARREST WARRANT

23. Based on all of the foregoing facts, I submit that there is probable cause to support the issuance of a Criminal Complaint and arrest warrant for Yanyan Lesser.

24. It is further requested that this complaint and accompanying affidavit be sealed until the arrest of LESSER. These materials discuss an ongoing criminal investigation. The public disclosure of this complaint and the accompanying affidavit could result in the flight of the defendant, who is currently not in custody, or otherwise jeopardize the investigation if the defendant becomes aware of the existence of these materials prior to the effectuation of her arrest.



CHARLES S. TOLIAS
Special Agent
Homeland Security Investigations

Sworn to before me this

7th day of March , 2019.



JEREMIAH J. McCARTHY
United States Magistrate Judge